

### **DETAILED ACTION**

This Office action is in response to applicant's amendment filed on 12/29/2009.

Claim 5 and newly filed claim 13 are pending and examined.

Claims 1-4 and 6-12 have been cancelled.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 3,210,898 to Kurtz.

Claim 5:

Kurtz discloses in Fig. 1, a shear connector having a predetermined length in a T-shaped steel plate 10, comprising: a flange formed of a plurality of flange pieces 22/24 wherein said flange pieces are cut-out in biased shapes; and a web 18 having a plurality of through holes 16.

Claim 13:

Wherein said flange pieces 22/24 extend outwardly along the length of one side of said web 18 in an alternating sequence such that said alternating flange pieces 22/24 are perpendicular to said web 18 and define a plurality of spaces between said flange pieces 22/24.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 13 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,415,575 to Thompson.

Claim 5:

Thompson discloses in Fig. 1, a shear connector 1 having a predetermined length in a steel plate, comprising: a flange formed of a plurality of flange pieces 4 wherein said flange pieces are cut-out in biased shapes; and a web 2 having a plurality of through holes 10. Thompson discloses the basic structures for a shear connector as stated but does not disclose expressly the plate having a T-shaped section. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to have such a different shaped plate for its desirable application. Furthermore, applicant has not disclosed the criticality of this feature.

Claim 13:

Wherein said flange pieces 4 extend outwardly along the length of one side of said web 2 in an alternating sequence such that said alternating flange pieces 4 are perpendicular to said web 2 and define a plurality of spaces between said flange pieces 4.

***Response to Arguments***

Applicant's arguments with respect to claims 5 and 13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./  
Examiner, Art Unit 3635

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635